

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 31

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JUL 24 2002

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte HERMANN KLUTH, WOLFGANG KLAUCK, PETER DAUTE,
FELICITAS KOLENDA AND WILFRIED HUEBNER

Appeal No. 2001-0281
Application 08/702,625

ORDER REMANDING TO EXAMINER

On June 20, 2000, the examiner mailed his answer (Paper No. 28). A review of the record indicates that this answer is not signed. The Manual of Patent Examining Procedure (MPEP) § 707.09 (8th ed., August 2001) states:

Signing by Primary or other Authorized Examiner

Although only the original is signed, the word "Examiner" and the name of the signer should appear on the original and copies.

In its current status, the Examiner's Answer (Paper No. 28) is not in compliance with MPEP § 707.09.

An Information Disclosure Statement was filed May 24, 2002 (Paper No. 30). It is not apparent from the record that the examiner considered the statement submitted nor notified applicant of why his submission did not meet the criteria set forth in 37 CFR

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§§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for signature of the Examiner's Answer (Paper No. 28; filed June 20, 2000) and it is;

FURTHER ORDERED that the application is remanded to the Examiner for such consideration of the Information Disclosure Statement and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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